

• • R E M A R K S • •

The present Preliminary Amendment is being submitted together with a Request for Continued Examination of the above-identification.

By the present Preliminary Amendment, the Substitute Specification filed February 11, 2002 has been amended to delete reference to reference numeral 18, and to correct the matters noted by the Examiner.

Also by the present Preliminary Amendment, the claims have been amended as suggested by the Examiner in the paragraph bridging pages 2 and 3 of the Official Action. In addition, independent claim 1 has been amended to recite that the second member is inelastically stretchable to a length greater than the transverse length of the covering zone and attached to an upper edge of the covering zone "so as to form gathers along the entire length of said at least one of said front and waist regions in the circumferential direction."

Support for this change to claim 1 can be readily found in Fig. 1, the discussion on page 7, lines 3-6 of the original specification, and consideration as to how the elastic and inelastic first and second members would cooperate to for the gathers.

The changes to claim 8 are those that were suggested by the Examiner.

Entry of the changes to claims 1 and 8 is respectfully requested.

Finally, together with the present Preliminary Amendment, proposed changes to Figs. 1 and 2 have been submitted, in which changes reference numeral 18 has been deleted.

Entry of the changes to the Substitute Specification, the claims and the drawings is respectfully requested.

Claims 1-6 and 8 are pending in this application.

On page 2 of the Official Action mailed May 31, 2002 the Examiner objected to the drawings, indicating that in Figs. 1 and 2 a line should be drawn from each reference numeral 18, 18A and 18B to the structure they denote.

In response to the objection to the drawings, applicant has deleted reference numeral 18 from the specification and has submitted proposed amendments to the drawings in which reference numeral 18 is also deleted from the drawings.

On page 2 of the Official Action mailed May 31, 2002 the Examiner has indicated that applicant should review and revise the specification in order to satisfy the provisions of 35 U.S.C. §112, first paragraph. In response to the Examiner's request, applicant has reviewed and made appropriate changes to the Substitute Specification as set forth above.

In the paragraph bridging pages 2 and 3 of the Official Action of May 31, 2002 the Examiner rejected to claims 1-6 and 8 on the basis of several informalities. The Examiner also courteously provided applicant with suggested changes for the claims which have been incorporated into the amendments of the claims set forth above.

Claims 1-6 and 8 are pending in this application.

In the Official Action mailed May 31, 2002 the Examiner rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by European Patent Application No. 0 688 550 A1 to Kimberly-Clark Corp. ("EP '550").

As noted above, by the present Preliminary Amendment, independent claim 1 has been changed to recite that the second member is inelastically stretchable to a length greater than the transverse length of the covering zone and attached to an upper edge of the covering zone "so as to form gathers along the entire length of said at least one of said front and waist regions in the circumferential direction."

It is noted that in EP '550, gathers are not formed along the entire length of either the front or the rear waist region. In fact, because of the inelastic portions of the waistband, EP '550 cannot include gathers that are formed along the entire length of either the front or the rear waist region.

Accordingly, EP '550 cannot be relied upon as anticipating or rendering obvious applicant's claimed invention.


Entry of the present Preliminary prior to the continued examination of the application is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension

of time fees, to Deposit Account No. 02-0385 and please credit any excess fees to such deposit account.

Respectfully submitted,


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Marked-Up Copy of Amendments Made to the
Substitute Specification on August 23, 2002

On page 3 of the Substitute Specification, the second full paragraph has been replaced with the following paragraph:

--The disposable diaper 1 shown in Fig. 1 in a partially cutaway perspective view is of the pull-on or shorts-type and has a front waist region 6, a rear waist region 7 and a crotch region 8 extending between these two waist regions 6, 7. The front and rear waist regions 6, 7 are put flat together along their respective pairs of transversely opposite side edges 11, 12 and joined together at joining spots 13 arranged along the side edges 11, 12 intermittently in a vertical direction as viewed in Fig. 1 so as to form a waist-hole 16 and a pair of leg-holes 17. An elastic member [18] extends circumferentially around the waist-hole 16 and elastic members 19 extend circumferentially around respective the leg-holes 17. The diaper 1 comprises a liquid-pervious topsheet 2 defining the inner side of the diaper 1, a liquid-impervious backsheet 3 defining the outer side of the diaper 1 and a liquid-absorbent core 4 disposed between the topsheet 2 and the backsheet 3.--

On pages 4 and 5 of the Substitute Specification the paragraph bridging pages 4 and 5 has been replaced with the following paragraph:

--The diaper 1 is assembled by putting the transversely opposite side edges 11, 12 of the front and rear waist regions 6, 7 flat together, then joining them together at the joining spots 13 and thereby an annular elastic zone [18] is formed by the front and rear elastic zones 18A, 18B. Of the front and rear elastic zones 18A, 18B, the rear elastic zone 18B is illustrated in a state before elastic zone 18B is attached to the rear covering zone 22. The rear

elastic zone 18B comprises a rubber ribbon 31 which can be elastically stretched by at least 1.3 times, preferably by 2.0 times, more preferably by at least 3.0 times of a length L of the rear waist region [7 and a] 7. A covering sheet 32 adapted to cover the rubber ribbon [31, which covering sheet 32] 31 is longer than the dimension L and at least as stretchable [at least at the stretchability of] as the rubber ribbon 31. The number of the rubber ribbons 31 and their shape as well as the dimension of their cross-section are not specified. Raw material for the rubber ribbon 31 also is not specified and may be selected from a group including natural rubber, synthetic rubber, synthetic resin elastomer, synthetic resin elastic threads and a woven fabric made of such elastic threads. However, it is important that the front and rear elastic zones 18A, 18B each comprising an assembly of the rubber ribbon 31 and the covering sheet 32 should have their circumferential stretch stress preferably when they are stretched by 3 ~ 20% lower than a stretch stress exhibited by portions of the front and rear covering zones 21, 22 extending along the elastic zones 18A, 18B having the same widths as the elastic zones 18A, 18B. Generally, the covering sheet 32 is longer than the dimension L and inelastically or elastically stretched as the rubber ribbon 31 is elastically stretched. For example, a non-stretchable sheet longer than the dimension L is formed with gathers 33 undulating in the circumferential direction along the waist-hole to make this sheet substantially stretchable and this covering sheet 32 is attached to the rear covering zone 22. Alternatively, the covering sheet 32 can comprise an inelastically stretchable sheet attached to the rear covering zone 22 so that the sheet may be stretched as the rubber ribbon 31 is stretched and form gathers as the rubber ribbon 31 contracts. It is also possible to use a covering sheet 32 that is adapted to be elastically stretched together with the rubber ribbon 31.--

On page 6 of the Substitute Specification the first full paragraph has been replaced with the following paragraph:

--With the diaper 1, the elastic zone [18] associated with the waist-hole 16 is stretched as indicated by the imaginary lines in Fig. 1 and said waist-hole 16 is adequately opened so that the diaper 1 can be easily put on a wearer's body even when the front and rear covering zones 21, 22 have no stretchability in the circumferential direction.--

On page 6 of the Substitute Specification the second paragraph has been replaced with the following paragraph:

--With this diaper 1, in a manner similar to the elastic zone [18] associated with the waist-hole 16, each of the elastic zones 19 associated with the leg-holes 17 should be elastically stretchable to a dimension longer than, at least by 1.3 times, preferably at least by 2 times and more preferably at least by 3 times of an actual dimension as measured along the length surrounding edge 27 of the crotch covering zone 26. Such elastic zone 19 may comprise elastically stretchable rubber ribbon and a stretchable covering sheet.--



Marked-Up Copy of the Claims
As Amended on August 23, 2002

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1. (Twice Amended) A disposable diaper having a front waist region, a rear waist [region and] region, a crotch region, [and] a waist hole and a pair of leg-holes, said diaper further comprising:

at least one of said front and rear waist regions including a covering zone formed integrally with said crotch region and an elastic zone extending continuously along a full length in a circumferential direction of said at least [on] one of said front and rear waist regions to define at least part of said waist-hole;

said elastic zone including a first member that is elastically stretchable in said circumferential direction of said at least one of said front and rear waist regions to a length greater than a transverse length of said covering zone and a second member covering said first member; and

said second member being inelastically stretchable to a length greater than the transverse length of said covering zone and attached to an upper edge of said covering [zone.] zone so as to form gathers along the entire length of said at least one of said front and waist regions in the circumferential direction.

8. (Amended) The diaper according to Claim 1, wherein each of said leg-holes comprises a covering zone [integrally] integral with said crotch region and a [continuously] continuous elastic zone extending along a full length in a circumferential direction of each of said leg-holes, said elastic zone including a third member that is elastically stretchable in said

circumferential direction of each of said leg-holes and a fourth member securing and covering said third member, said fourth member being inelastically stretchable to a length greater than said length [of the length] in said circumferential direction of each of said leg-holes and joined to an outer side edge of each of said leg-holes.